

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Magistrate Case No.

2008 JAN 22 AM 10:

08 MJ 0180

Plaintiff,

COMPLAINT FOR VIOLATION OF

v.

Title 8 U.S.C., Sec. 1324 (a) (1) (A) (ii)

Ernest VILLARREAL-Sanchez,

Transportation of Illegal

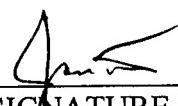
Aliens

Defendant(s)

The undersigned complainant, being duly sworn, states:

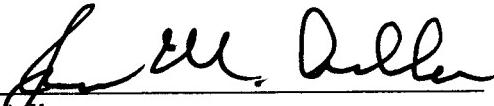
On or about **January 19, 2008**, within the Southern District of California, defendant **Ernest VILLARREAL-Sanchez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Fermin VALDEZ-Llaguno, Maria AGUILAR-Gutierrez, and Sara Llaguno-Diaz** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF JANUARY, 2008.



Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Ernest VILLARREAL-Sanchez

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that Fermín VALDEZ-Llaguno, María AGUILAR-Gutiérrez, and Sara Llaguno-Díaz are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 19, 2008, Border Patrol Agent D. Moreira and J. Castillo were working plain clothes duties in the Jamul, California area of operations. At approximately 9:20 a.m., the Highway 94 Border Patrol Checkpoint received a citizen call reporting that a white Chevrolet pick up truck had dropped off approximately 15 individuals on Highway 94 just east of the Dulzura Fire Department. This is a common location where alien smugglers will drop off illegal aliens in an attempt to circumvent the Highway 94 Border Patrol Checkpoint. This information was relayed through service radio to all agents.

At approximately 10:15 a.m., an agent reported seeing a vehicle matching the description from the report heading north on Honey Springs Road from Mother Grundy Truck Trail. Mother Grundy Truck Trail is a common load-up spot for alien smugglers to pick up illegal aliens who are attempting to circumvent the Highway 94 Border Patrol Checkpoint on foot.

Agent Moreira arrived at the corner of Honey Springs Road and Lyons Valley Road and observed a vehicle matching the description from the citizen call. Agent Moreira turned onto Lyons Valley Road and began to follow the vehicle. Agent Moreira observed that the truck was laden in the rear and that there was a piece of wood covering the bed of the pick up truck. Agent Moreira contacted Agent Castillo and advised her of the vehicle's direction of travel. Once the vehicle neared Skyline Truck Trail, Agent Moreira contacted the dispatch center and requested a vehicle registration and stolen vehicle check. Agent Moreira recalled that this was the same license plate as the one given by the citizen call earlier. The dispatch center advised Agent Moreira that the vehicle was not stolen, the registered owner is an automotive dealership out of Vista, California and that the registration was expired. During this time, the driver of the vehicle, later identified as the defendant, Ernest VILLARREAL-Sánchez, repeatedly glanced at the drivers' side mirror to look back at Agent Moreira's vehicle. Due to his actions, Agent Moreira was able to clearly see the defendant's face.

The vehicle made a right turn onto Skyline Truck Trail and headed eastbound. As Agent Moreira turned onto Skyline Truck Trail, the vehicle abruptly pulled over onto the side of the road. In an attempt to avoid a vehicle collision, Agent Moreira proceeded around the vehicle and noticed two individuals inside the cab of the truck. The driver appeared nervous and avoided eye contact. Agent Moreira notified Agent Castillo of his observations. The vehicle then attempted to bypass Agent Moreira, heading into oncoming traffic. In response to the driver's erratic behavior, Agent Moreira pulled over to the side of the road and allowed the vehicle to pass him. At approximately 10:25 a.m., Agent Moreira notified the dispatch center that he was going to perform a vehicle stop. Agent Moreira activated his emergency lights and siren. After allowing the defendant approximately one minute to pull over, Agent Moreira notified dispatch of the failure to yield.

Approximately one minute later, Supervisory Border Patrol Agent J. Grantham instructed Agent Moreira to disengage from the pursuit. Agent Moreira shut off his emergency equipment, pulled over to the side of the road, and notified dispatch that he had terminated the pursuit. At approximately 10:34 a.m., Agent Castillo was notified by a motorist of a vehicle driving erratically with people jumping out of the bed of a truck on Skyline Truck Trail Extension.

CONTINUATION OF COMPLAINT:

Ernest VILLARREAL-Sanchez

Agent Castillo arrived on scene and observed the defendant in the driver's seat and two individuals attempting to exit the still moving vehicle. Agent Castillo approached the vehicle on foot, identified herself as a U.S. Border Patrol Agent while displaying her service issued badge, and instructed the defendant to shut off the vehicle. The defendant then placed the vehicle in gear and accelerated. Fearing for her safety due to the narrow road and the positioning of the vehicle, Agent Castillo drew her service weapon and ordered the defendant to stop and exit the vehicle. After several commands to stop and exit the vehicle, the defendant complied by placing the vehicle in park and exiting the vehicle. The defendant was handcuffed and arrested. Agent Castillo approached the two individuals still in the vehicle and asked each subject individually as to their citizenship. Both subjects stated that they were citizens and nationals of Mexico illegally present in the United States. The two subjects were also arrested.

Agent J. Davila and his service dog and Agents S. Santana and Moreira arrived on scene. The Agents followed the foot sign from the back of the pick up truck and located six (6) more individuals. All the individuals were determined to be citizens and nationals of Mexico illegally present in the United States. All eight illegal aliens and the defendant were transported separately to the Brown Field Border Patrol Station for processing.

MATERIAL WITNESSES STATEMENTS:

Material Witnesses, Fermin VALDEZ-Llaguno, Maria AGUILAR-Gutierrez, and Sara Llaguno-Diaz each admitted to being citizens and nationals of Mexico without any immigration documents allowing them to be or remain in the United States legally. All material witnesses admitted to entering the United States illegally with the aid of a foot guide/smuggler. They stated that the foot guide took them to a location where they were later picked up by a truck driven by the defendant. The material witnesses stated that the defendant drove fast and in a dangerous manner and that they were afraid. All three witnesses stated that they had made arrangements to be smuggled into the United States for a fee.

All three material witnesses were shown a photographic line up and were able to positively identify the defendant, Ernest VILLARREAL-Sanchez, as the driver of the smuggling vehicle.

Executed on January 20, 2008, at 11:00 a.m.

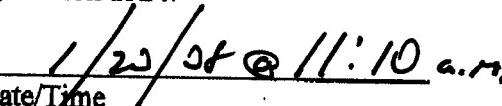


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on January 19, 2008, in violation of Title 8, United States Code, Section 1324.



Jan M. Alder
United States Magistrate Judge



Date/Time